

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Erasmus Gyamfi Antwi,

Plaintiff,

v.

Case No. 1:21cv748

Barclays Bank Delaware,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on March 9, 2022 (Doc. 7).

Proper notice was given to the parties pursuant to Fed. R. Civ. P. 72(b),¹ including notice that the parties may forfeit² rights on appeal if they fail to file objections to the R&R in a timely manner. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

No objections to the R&R were filed. Nor did Plaintiff accept the Magistrate Judge’s invitation to file a motion to amend his complaint to re-allege his claim under subsection (b)—as opposed to subsection (a)—of section 623 of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (Doc. 7 PAGEID 83, 84). Upon review and under these circumstances, then, the undersigned will **ACCEPT** and **ADOPT** the R&R to the extent it recommends that Defendant’s Motion (Doc. 4) be granted, but dismissal will

¹ See 28 U.S.C. 636(b)(1)(C).

² *Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (failure to object is not a waiver, but instead a forfeiture) (citing *United States v. Olano*, 507 U.S. 725, 733 (1993)).

be with prejudice.

Accordingly, Defendant's Motion to Dismiss (Doc. 4) under Fed. R. Civ. P. 12(b)(6) is hereby **GRANTED** and Plaintiff's Complaint is **DISMISSED with prejudice**. The Clerk shall **CLOSE** and **TERMINATE** this case from the active docket.

IT IS SO ORDERED.

/s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court